capacity is 1753 MW and other than the Kota thermal power station, there is no other single station which is capable of producing substantial power. The Rajasthan Atomic Power Statons I and II, both are hardly functional. The State is crippled on account of acute power shortage. Not only is the State's agriculture crippled, the State's industrial production is crippled, the growth in respect of additional power connections in the State so that more of irrigation can be provided cannot take place, industrial growth cannot take place, because even the existing industrial and agricultural power outlets are not getting the required amount of power that they need, both for agriculture and for industry. I have with me here a letter from the Chief Minister of Rajasthan, with whom I have been in corresponcence on the subject and he says the greatest difficulty is money. He has just not got the money and unless he has the money he cannot augment the power resources of Rajasthan. Now this is a "catch your tail" situation. Rajasthan does not have money. If it does not have money, it will not be able to have more Power and if it does not have more power, agriculturists and industrialists in Rajasthan are going to continue to suffer. This must somewhere, at some place break and therefore , I would appeal to the Central Government that unless RAPP I & II. the two atomic power projects, are made functionally efficient, unless Rajasthan is brought on to the Central grid, unless Mahe power project is advanced in its timings, unless Rajasthan gets its due share of power from Punjab, Rajasthan's difficulties as far as power is concerned are not going to be solved.

The second relates to Rajasthan Canal.

MR. CHAIRMAN : I have allowed you only to speak about the power shortage.

SHRI JASWANT SINGH : Then I will stop here.

MR. CHAIRMAN : I don't mind if you take one or two minutes only.

SHRI JASWANT SINGH : As far as Rajasthan Canal is concerned, this is a project which started in 1959-60 and we are now 26 years after that and the project is nowhere near completion. It is riddled with corruption. Only recently, just day before yesterday or three days back, the Chief Engineer of REP in Rajasthan has been removed from it, the Minister-in-Charge has resigned *ad hoc* Ministers are placed incharge of this very prestigious project... In such a Lackadaisical manner that this highly prestigious project which is the life line of the whole of Rajastan is going to be long delayed and these cempounded difficulties of Rajasthan unless they are tacked in a purposeful manner are not going to be solved.

I STATUTORY RESOLUTION SEEKING DISAPPROVAL OF THE RAVI AND BEAS WATERS TRIBUNAL ORDINANCE, 1986

II THE INTER-STATE WATER DISPUTES (AMENDMENT) Bill, 1986

MR. CHAIRMAN : Now the House will take up the Statutory Resolution seeking disapproval of the Ordinance and the Inter-State Water Disputes (Amendment) Bill, 1986 together. The time allotted is two hours. Now, Mr. Jaswant Singh may move.

SHRI JASWANT SINGH (Rajasthan) : Sir, with your permission before I move the Statutory Resolution, I have a point of order. My point of order relates to article 117 of the Constitutiion. Very briefly, the relevant portion of it says :—

"*Special provisions as to financial Bills*, 117.(1) A Bill or amendment making provision for any of the matters specified in sub-clauses (a) to (f) of clause (1) of article 110 shall not be introduced or moved except on the recommendation of the President and a Bill making such provision shall not be introduced in the Council of States :"

[Shri Jaswant Singh]

Article 117 (3) says :

"A Bill which, if enacted and brought into operation would involve expenditure from the Consolidated Fund of India shall not be passed by either House of Parliament unless the President has recommended to that House the consideration of the Bill".

Sir, I would take a minute of your time to read out the relevant portions from Kaul and Shakdher who go into a long elaboration on what financial Bills are—and there is a category of financial Bills—category B. From page 450 of Kaul and Shakdher I will read only the relevant portion. I am not going to take the time of the House reading out the entire portion.

"Where a Bill contains, *inter alia*, a proposal or proposals involving expenditure from the Consolidated Fund of India *e.g.*, by providing for the appointment of officers or other authorities or for the establishment of an institution, it becomes a Financial Bill of Category 'B'."

Examples of such Bills are then given. Then it goes to delineate the difference between a Money Bill and a Financial Bill. Then it says further, towards the tail portion on page 450:

"Recommendation of the President for the consideration of a Bill has to be obtained by the member ..."

Then it goes on to elaborate :

"The Minister of Law has expressed the view that although the constitutional requirements would be met if the recommendation of the President is obtained before the motion for passing of a Bill is moved, the possibility of the President refusing to recommend could not be ruled out. Hence, immediately before the stage of consideration begins, the mover should produce the recommendation so that the House might not engaged itself on labours which ultimately might turn out to be fruitless."

My submission, therefore, is that the Bill that this House took up yesterday ought to have had, at the stage of introduction, the recommendation of the President. However, if at the stage of introduction of the Bill the recommendation of the President was not there, it is my point, Sir, that this Bill being a Financial Bill involving an expenditure out of the Consolidated Fund of India, cannot now be taken up for consideration unless the recommendation of the President is with us. (*Interruptions*) Sir, I have another point. I shall wait till the Minister for Parliamentary Affairs has clarified the situation.

MR. CHAIRMAN : The office has received the recommendation Therefore, it is there.

SHRI JASWANT SINGH : If the recommendation of the President of India has been received, then I do submit to you, Sir, that it is only right and proper that the Minister-in-charge should ensure that the recommendation of the President is accompanied with the Bill itself when the Member receive the Bill. If we do not receive the Bill, if we are not informed about the recommendation of the President, the observation that I have made is only right, and would be obliged to make such an observation, in fact failing in our function if we do not do so. I still do not have the recommendation of the President.

MR. CHAIRMAN : Does the Minister wont to sayanything ?

THE MINISTER OF WATER RESOURCES (SHRI B. SHANKARANAND) : The recommendation is there. I have nothing to say:

MR. CHAIRMAN : There is no point of order. Mr. Jaswant Singh will move the statutory resolution.

SHRI JASWANT SINGH : Could the recommendation be distributed to us? Normally it is accompanied with the Bill itself ...

MR. CHAIRMAN : You raised it as a point of order. Therefore, I said, "No point of order". But, if you raise it as a matter of convenience to the Members, I shall certainly direct the office or the Minister concerned to include it in the papers. I will do that.

SHRI JASWANT SINGH : Sir, I move the following Resolution:

"That this House disapproves of the Ravi and Beas Water Tribunal Ordinance, 1986 (No. 2 of 1986) promulgated by the President on the 24th January, 1986."

[The Vice-Chairman (Shri R. Ramakrishnan) in the Chair]

THE VICE-CHAIRMAN (SHRI R. RAMAKRISHNAN) : Please proceed.

SHRI JASWANT SINGH : Sir, I have great many difficulties with this Ordinance and the subsequent enactments, the drama of enactments, that we have seen, the Ordinance converting itself into one Bill and by *adhocism*, a slight of hand the Bill dying even before it has been considered by the House and a new Bill emerging in its place.

AN HON. MEMBER : It is rejuvenated.

SHRI JASWANT SINGH : We shall see whether it is rejuvenated or transformed.

Among the many difficulties that we have, Sir, the first is really constitutional again. I had an occasion to refer to it yesterday, and that relates to articles 262 of the Constitution which is categorical in asserting—and I shall not take the time of the House in reading that particular article again—that inter-state rivers and disputes relating to such rivers or river valleys as are inter-state, shall be considered by what was earlier enacted as the Inter State Water Disputes Tribunal. In the present instance, the rivers under consideration are not inter-state, they are not inter-state in a physical sense, they are not inter-state in a geographical sense. On the original intent of the provision of the Inter-State Water Disputes Act as enacted by Parliament in 1956, as then moved by the then Minister who was then the Minister of Planning and Irrigation and Power, Shri Gulzarilal Nanda, he had this to say :

"The purpose of this Bill is very clear and, I hope, unexceptionable."

He goes onto expalin the structure.

"It relates to inter-state rivers and disputes connected with inter-state rivers. These inter-state rivers are not just a few. Most of the rivers in the country are inter-state rivers, and if you compute the water resources of the country, you will find that much of the prosperity...(etc. etc.)"

And then he goes on to explain what he means by inter-state rivers. This point was taken up by the Chair when I raised it yesterday at the stage of introduction and he said, "Normally the constitutionality of a provision brought by the Government, whether it is *vires* of the Constitution or not *vires* of the Constitution, is not ruled by the Chair, and it is left for the courts of law to determine."

I am not asking for a ruling on the subject. But, I do feel and I am of the view and I reiterate that this enactment, which the Government now wishes to enact, is bad in law, because it is not an inter-state river. It is violative of Article 262. I am given to understand that the need for this arose because of some inter-State disputes between two states. one State coming as a disputent and claiming that we have a problem with another State. This gives occasion for that particular tribunal to come into existence and for the tribunal to determine the dispute ?? this connection the recent statement of the Punjab Chief Minister is very telling.

[Shri Jaswant Singh]

The Chief Minister of Punjab is believed to have said that the Govt. of Punjab is very grateful to the Govt. of India for bringing about such an enactment, because none of the States were actually ready to come forward with a complaint to the tribunal. The Government of Punjab was not ready to come forward with a complaint; the Government of Haryana was not ready to come forward with a complaint; the Govt. of Rajasthan is aggrieved because it has been made a party to a dispute to which it is not a party and it too is not ready to come forward with a complaint. None of the states concerned were ready to come forward with a complaint and yet a dispute was created. The Central Government now takes upon itself to establish a tribunal on its own, which will adjudicate and determine whether there is a dispute and then judge upon it. And having judged upon that it will then so rule as to place it outside the purview of the Supreme Court of India. That is my second difficulty with this particular enactment.

Hon. Member, Shri Sushil Chand Mohunta, my esteemed friend from Haryana, had mentioned yesterday that it is not a dispute about waters. The right to water within the State is an undisputed right of the State. We are not talking about the right to water. We are not talking about an inter-State right. And when it comes to inter-State right, the claim between the respective States of Haryana and Punjab are not inter-State claims; they are the claims upon the assets of the undivided Punjab. They are claims upon the assets of undivided Punjab before that Punjab was trifurcated. The dispute arose precisely because when the Punjab as a unit was trifurcated, the asset of undivided Punjab had to be distributed beetwen successor States. It is that dispute, about the division of assets from Punjab, which was the pre-partition Punjab, pre-trifurcation Punjab, which is now being given the classifiaction of an inter-State dispute. That is my next difficulty. These are my constitutional difficulties.

I do not pretend to be a lawyer. Indeed I am not even by inclination a lawyer. We have a great legal luminary in the hon. Minister for Law, sometimes miscalled Justice and Compay Affairs. I am sure he will shed a great deal of light on what I have said about the Constitutional aspects.

I then have procedural difficulties with this enactment. The story of the Punjab Settlement from Accord, to this particular Ordinance, against which I have moved a motion of disapproval, is a strange story. Even at the stage of tripartite discussions, when Akali Dal was sitting across the table and discussing with the previous Government and the late Prime Minister when the Opposition were involved in it, even at that stage of tripartite discussion, the leaders of the Akali Dal had conceded categorically that Rajasthan is not a party to this issue and that the whole matter could easily be solved by adjudication.

My next difficulty with this ordinance arises because the Prime Minister signed a settlement with late Shri Harchand Singh Longowal who was no more than the leader of a political party—indeed avowedly a religious party. He had no other status. He did not represent the Punjab. He did not represent the Government of Punjab. He did not represent the entire people of Punjab. He represented a political party which is avowedly communal. The Prime Minister signed a settlement with an avowedly communal-political party. The Prime Minister at the time of signing of that settlement had no authority to adjudicate upon the shares of waters either of Haryana and least of all did he have an authority to involve the State of Rajasthan in a dispute to which it did not belong. The Prime Minister by putting his signature to a settlement with the leader of an avowedly.

declaredly communal political party rendered the whole process of the implementation accord through Ordinance a farcical process.

My next difficulty with this Ordinance itself because the promulgation of the Ordinance by the President on the 24th January, 1986 called the Ravi and Beas Waters Tribunal Ordinance, 1986, was an arbitrary act. It would not have stood the test of law. But now that is a hypothetical question. I elaborate however it why it was an arbitrary action. If you are to assert that the Government was bound by the terms of the settlement—which is what I believe you will assert—if that is what you assert then you were obliged at the time of signing the settlement to have brought into being the required Tribunal. For months you do not enact—you do not move—you do not act—no Tribunal comes into being—on the eve of the failure of Mathew Commission you suddenly realise that Chandigarh is not a transferable commodity, that the geographical and the river waters issues of Punjab settlement signed in a hurry will never be able to be translated into action that it will be near impossible to translate them into actual accord or put them into practice—therefore, you bring about an ordinance to suggest that because we are not transferring Chandigarh because we have failed with the Mathew Commission—we will now try another sleigh of hand—we shall bring about an Ordinance and we will say that this Ordinance will establish a Tribunal—that this Ordinance will adjudicate upon waters between those States which do not have inter-State river disputes. The subsequent conversion of this Ordinance into a Bill and keeping it pending for so many months before its consideration by either House of Parliament continues to demonstrate to all who were observing—not just the people of Punjab or of Haryana or of Rajasthan that this Government exemplifies administrative ancillation indecisiveness and *adhocism*. For months a Bill which is the consequence of an Ordinance lies with the Lok Sabha—nothing happens—nothing is done for months—suddenly that Bill is withdrawn and another Bill comes into its place.

My one substantial difficulty which I have mentioned here and which I will have occasion to repeat, of the conversion of this Ordinance into a Bill—the withdrawal of that Bill and its replacement yet by another Bill, that the incorporation of a political settlement... " because the Punjab settlement was no more than a political settlement; the Punjab Memorandum of Settlement of the 24th July, 1985, is a political settlement between the Prime Minister and the leader of just one political party of Punjab—the incorporation of that political settlement into the statute-books of India—you are moving a political settlement from being just an accord, an agreement between two political parties and putting it in the statute-books of india without consulting all the States concerned that is an unprecedented and wholly arbitrary act which I cannot support under any circumstances because it sets precedents which are full of the most grievous portents for the future of this country. You cannot arbitrarily, when it suits your purpose, take a political settlement and put it in the statute-books of India merely because it is subserving a temporary convenience, a temporary political convinience of a handful of people who might then be on the Indian political scene. Please reflect very carefully on what I say.

I will go, Sir, to the Bill proper. (*Time bell rings*)

THE VICE-CHAIRMAN (SHRI R. RAMAKRISHNAN) : The time given here is 4 minutes, but as you are the mover of the Resolution, I have given you another 15 minutes. Now you have already taken about 22 minutes.

SHRI JASWANT SINGH : I shall be very brief. I am deeply appreciative of the consideration that

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you have shown me. I shall be very brief in line with the consideration that you have just now shown me, that you always show me. I would like to take half a minute because I am not only the mover of the Resolution but I am also the only Member from Rajasthan in either House of Parliament who is an Opposition Member of Parliament...

THE VICE-CHAIRMAN (SHRI R. RAMAKRISHNAN) : Please take another five minutes and conclude.

SHRI DARBARA SINGH (Punjab) : Don't feel all alone. We are here.

SHRI JASWANT SINGH : As far as this Bill proper is concerned, I have certain difficulties. And at the cost of being repetitive. I do wish to quote from the Inter-State Water Disputes Act, 1956. In the definition, it says :

'water dispute' means any dispute or difference between two or more State Governments with respect to the use, distribution or control of the waters of, or in any inter-State river or river valley.

Sir, I have here with me the Ravi and Beas Waters Tribunals Bill, 1986, which has been withdrawn. It is a Bill—

"to provide for the constitution of a Tribunal for the verification of the quantum of usage of water claimed by the farmers of Punjab, Haryana and Rajasthan from the Ravi-Beas system as on the 1st day of July, 1985, and the waters used for consumptive purposes..."

Then it goes on to refer to paragraph 9(1) of the Punjab settlement and it talks about the farmers and others of Punjab, Haryana and Rajasthan etc.

Sir, before the substitute Bill, replacing the earlier Bill, came into being the leaders of the Opposition were called by the Prime Minister for a meeting. I would like to deal very briefly with that meeting proper. Before the meeting was called, despite the leaders wanting to know what the subject of the meeting was, they were not informed of what the subject of that meeting was. At the meeting, the Prime Minister—I am informed by my colleagues who attended the meeting—informed them that the Bill was not any different from the Bill which was being withdrawn, and that the Bill which was being withdrawn and the Bill which was replacing it were largely the same, that the interest of Haryana were now going to be safeguarded. Even then the leader of my party had made a mention that at least even at this stage the States of Haryana and Rajasthan should be consulted. And it is upon his suggestion that a consultation was brought about. I believe, sir, that the reports of the meeting are misleading. We opposed the replacement of one Bill by another even in that meeting We did advocate consultation with Haryana and Rajasthan. And I stand we continue to stand by that. As far as the implications of this substitute Bill are concerned other than what I have already said earlier, it is placing a political deal, a political settlement on the statute book. I cannot but help reflecting hereupon an extremely disturbing aspect of this Government's functioning. When it comes to amending Section 125 of the Criminal Procedure upon the assertion, upon the pressures, of the Muslim Leagues and such other fundamentalists this Government of India... (*Interruption*)

THE VICE-CHAIRMAN (SHRI R. RAMAKRISHNAN) : You continue.

SHRI JASWANT SINGH : I had to wait a minute because some discussion was going on between the hon. Law Minister and you...

THE VICE-CHAIRMAN (SHRI R. RAMAKRISHNAN) : There are some formalities to be gone through and the Minister was mentioning to me.

SHRI JASWANT SINGH : I was making a point which I wanted the law Minister particularly to hear because possibly he might treat it off handedly or lightly. It is an observation which is being made against the Government by not just me because I am moving the Resolution but by a great many, that this Government, pressurised by the fundamentalists of the Muslim league, moves to amend Section 125 of the Criminal Procedure Code, that this Government, pressurised by an avowedly religious party like the Akali Dal, moves to amend, moves to bring in the interest of various other States and brings in legislations which are detrimental to the interest of Rajasthan and Haryana; that this Government is not acting on its own; that this Government is being directed to act by the Muslim League and the Akali Dal. My substantial difficulty with this particular measure on the face of it is that it debars the State of Rajasthan from going to the Superme Court after the adjudication of a Tribunal. We have seen what the Mathew Commission did in its Tribunal's work or did not do and that is why this kind of functioning which the tribunals of this Government perform, as a representative of Rajasthan I cannot accept, I cannot accept this Bill and cerainly I cannot and will not support it.

A brief word on the question of the water rights of Rajasthan and that is a t the heart of the whole matter. The available surplus of Ravi-Beas waters were distributed between Rajasthan, PEPSU and Punjab in 1955. Later on PEPSU was merged with Punjab to form the erstwhile Punjab. At that time PEPSU and Punjab got the full quantity demanded by them whereas Rajasthan was given only the residual quantity left with the bifurcation.

SHRI DARBARA SINGH : What is residual quantity ?..

SHRI JASWANT SINGH : I Will come to it. Sardar Darbara Singh, I have very high regard for you as a neglected representative of Punjab, and you will have all the time to refute what I am saying; do by all means fight for the rights of Punjab, but do give me the right and opportunity to fight for my State. I will give you the figures of residual quantity. With the bifurcaion of Punjab into two States and the creation of Haryana, the total share of the surplus waters of Ravi-Beas of the erstwhile Punjab were to be distributed between the States as per the Punjab Reorganisation Act of 1966. The two States could not resolve this problem and it was referred to the Central Government. The Central Government gave its decision on 24th March, 1970. The total quantity that was going to be divided was 7.2 million acre feet and was divided as 3.5 million acre feet to Punjab, 3.5 million acre feet to Haryana and 0.2 for Delhi for drinking water supply Punjab was not satisfied with this division. Haryana approached the Supreme Court for implementation of the decision given by the Central Government. Punjab had also gone to the Supreme Court, Rajasthan was then made a proforma party, only a proforma party, not a party to the dispute. In order to resolve this issue the late Prime Minister intervened and an agreement was reached between the three States, with which I individually, as a Member from Rajasthan has differed; but an agreement was reached on 31st December, 1981 to which aggreement the honourable Sardar Darbara Singh is signatory. The Akali Dal was not satisfied. By that agreement Rajthan got 52.6 per cent of the share of Ravi-Beas waters. In 1955 after the demand of Punjab and PEPSU was fully met. There is yet another aspect and that is that if Rajasthan then had not claimed 11.97 MAF of the water at the time, the Indus Water Treaty, which was signed in 1960, could not have come

[Shri Jaswant Singh]

into being and it would have been much more unfavourable to the whol ecountry and the whole basis of the Indus water Treaty was Rajasthan's share, it was Rajasthan Canal. Indeed, Sir, I would like to quote from a letter that the late Pandit Nehru wrote to the President of the World Bank on that occasion and he had said that the "Rajasthan Canal was of vital importance to us and that our planning is based on it and any great delay in providing adequate supplies of water to this canalwould create very great difficulties for us, political, social and economic." The case of Rajasthan is a case which was central to the Indus Water Treaty. If the Indus Water Treaty had not come into being, the whole question of sharing the Ravi-Beas waters would not have come into being. Then how can you now exclude the interests of Rajasthan and how can you now exclude Rajasthan's share of water, as a party to the dispute, as a subject of the dispute, when the whole basis of the Ravi-Beas waters was the Indus Water Treaty and when the Indus Water Treaty itself was based on the claims of Rajasthan Canal ?

Sir, all this confusion starts and the confusion is further spread because of the Punjab settlement of July, 1985 and it is because of the Punjab settlement in which clause 9 comes into being that the whole difficulty arises. (*Time bell rings*). I will conclude very quickly now, Sir.

Now, in this agreement of July, 1985, a wholly arbitrary and *ad hoc* date was created—July 1, 1985 as the determining point for the share or for the distribution of water or for determining how much water was being used by whom. This is what a newspaper coming out from Punjab, "The Tribune" said on the same subject ;

"The controversial and somewhat intriguing part of the accord is the release to the farmers of Punjab, Haryana and Rajasthan of water not less than what they used to get from the Ravi-Beas system as on 1st July, 1985. Since Punjab received on that date the highest quantum from the rivers, 5.64 MAF as against 4.22 MRF allotted to it by the 1981 tripartite agreement, there was an apprehension that the date was deliberately chosen to favour Punjab at the expense of the other States."

Sir, because of that consideration and moved by this was fare, I wrote to the Prime Minister and I had said that this is my difficulty and I wrote it on the 3rd of August, soon after the accord was reached. I had said that we were informed that as on 1st July, 1984 Punjab had drawn from the Ravi-Beas a total of so many acre-feet against the maximum of 4.22 MAF to which it was entitled on any one day in any preceding year and the implication of this drawal as per clause 9.1 of the Memorandum of Settlement was, no matter what happens subsequently Punjab is not going to get less than 5.66 MAF as its share. This is greatly in excess of its entitlement and bears the seal of guarantee accorded to it as per the Memorandum signed by the Prime Minister and the leader of political party and it is this which is now being converted into this Bill. On the other hand, Rajasthan's share of the water of this system as per the agreement of 1955 is 8.6 MAF or 52.6 per cent of 17.17 MAF being treated as the quantum from the Ravi-Beas system. Now, out of this total availability of 17.17 MAF, all that would be left to be shared between Haryana, Jammu and Kashmir and Delhi would be 2.17 MAF. Under such circumstances how can Punjab continue to receive the guaranteed waters as on July 1, 1985, and simultaneously, how can Rajasthan's interests not be hurt as, I believe they have been and how can the remaining States also receive that allocated share of 4.35 MAF? Sir, these are my difficulties and it is because of these difficulties that I wrote to Prime Minister. And Sir, what does the Prime Minister say in his reply? The Prime Minister said that the wording of clause 9 is clear enough and leaves no scope for ambiguity. If the wording of clause

were clear enough and left no scope for ambiguity, why then the tribunal, why the Bill, what is the tribunal going to Judge? (*Time bell rings*) I wrote to the Minister and the Minister himself has said (*Time bell rings*) . . .

पैरा 9 में उल्लिखित मामला सत्यापन तथा न्याय निर्णय हेतु निर्दिष्ट किये हैं । राजस्थान सरकार इस अधिकरण के समक्ष अपना पक्ष प्रस्तुत करने के लिए स्वतंत्र है । यह बात श्री शंकरानन्द जी ने मुझे कही है । राजस्थान सरकार स्वतन्त्र अवश्य है लेकिन राजस्थान सरकार इस झमेले में भागी नहीं है ।

I will conclude, Sir.

I need three catgegorical assurances which if given I will withdraw my opposition to this measure. The three categorical assurances are very simple, because they are not at variance from what the Government has earlier been saying, and I would like to have these categorical assurances from the Government at this stage :

First, that the interests of the farmers of Rajasthan shall not be permitted to suffer, that the shares of the State of Rajasthan in the Ravi-Beas system would not under any circumstances be less than 8.6 million acre ft. or 52.69 percent. That is the first categorical assurance that I want.

Second, that the river waters agreements of 1955 and 1981 shall not be re-opened under any circumstances.

Third, that the State of Rajasthan shall not by, default or by administrative sleigh of hand or governmental inefficiency be made a party to dispute to which it is not a party.

If these assurances are given Sir, I shall withdraw my opposition to this masure failing which I cannot lend it support, because I believe, Sir that as the measure exists today, it is unconstitutional, illogical, *ad hocist* and harmful to the interests of Rajasthan and will not resolve the issues it will rather perpetuate the discord between States.

Thank you.

I

THE VICE-CHAIRMAN (SHR R. RAMAKRISHNAN) : Now, I shall call upon Shri B. Shankaranand to move the Bill.

SHRI INDRADEEP SINHA (Bihar) : I have a clarification. My name also occurs among the movers. But I do not subscribe to the Resolution. I do not know how my name has occurred here.

THE VICE-CHAIRMAN (SHRI R. RAMAKRISHNAN) : You ask the Secretariat.

SHRI INDRADEEP SINHA: I support the Bill. (*Interruptions*)

SHRI SUSHIL CHAND MOHUNTA (Haryana) : I understand as was just mentioned that the hon. Law Minister would be replying about the constitutional issues, legal questions, raised by Shri Jaswant Singh. I would like to raise two points, and...

THE VICE-CHAIRMAN (SHRI R. RAMAKRISHNAN) : That cannot be done. The hon. Law Minister will be present. The Minister will answer the points later at the end.

SHRI SUSHIL CHAND MOHUNTA : Because the reply would be....

THE VICE-CHAIRMAN (SHRI R. RAMAKRISHNAN): This cannot be a bilateral debate.

SHRI SUSHIL CHAND MOHUNTA : I am not saying so. I am only saying that...

THE VICE CHAIRMAN (SHRI R. RAMAKRISHNAN) : I appreciate your concern. But I do not think the Rules can permit such a thing. Now, I request Shri B. Shankaranand to move a motion to introduce the Bill and to speak on it.

SHRI B. SHANKARANAND : Sir, I beg to move :

"That the Bill further to amend the inter State Water Disputes Act 1956 be taken into consideration."

Sir, before I would say something or reply to the objections raised by the hon. Member Mr. Jaswant Singh, I would like to make a few observations on the consideration of the Bill itself.

Sir, this House is aware that the historic Accord, the Punjab Memorandum of Settlement, was signed on the 24th July, 1985, by the Prime Minister of India and the late Sant Harchand Singh Longowal, President Shiromani Akali Dal. Para 9 of the Accord states— I quote :

"9 The Farmers of Punjab, Haryana and Rajasthan will continue to get water not less than what they are using from the Ravi-Beas system as on 1-7-1985. Waters used for consumptive purposes will also remain unaffected Quantum and usage claimed shall be verified by the Tribunal referred to in 9.2 below.

9.2 The claim of Punjab and Haryana regarding the shares in their remaining waters will be referred for adjudication to a Tribunal to be presided over by a Supreme Court Judge. The decision of this Tribunal will be rendered within six months and would be binding on both parties. All legal and constitutional steps required in this respect be taken expeditiously.

9.3 The construction of the SYL canal shall continue. The canal shall be completed by 15th August, 1986.

Sir, it may be recollected that the waters or the river Sutlej, Beas and Ravi became available to India for its exclusive use under the Indus Waters Treaty, 1960. As the waters of the River Sutlej had already been planned to be utilised through the Bhakra-Nangal Projects, the waters of the rivers Ravi and Beas were allocated amongst the States of the erstwhile Punjab, PEPSU, J&K and Rajasthan in an Inter State Agreement reached in 1955. In 1966, the State of Punjab came to be reorganised. The share of erstwhile State of Punjab in Ravi and Beas waters was distributed between Punjab and Haryana after setting aside some waters for Delhi drinking waters needs by the Government of India Notification dated 24th March, 1976 issued under Section 78(I) of the Punjab Reorganisation Act, 1966. Government of Punjab sought a review of the aforesaid Notification and linked this issue to the construction of the Sutlej-Yamuna Link Canal proposed by Haryana to carry their share. Discussions were held with the Chief Ministers of Punjab, Haryana and Rajasthan and keeping in view the overall national interest the three Chief Ministers reached an agreement on 31st December, 1981 on the sharing of Ravi-Beas waters. The Akali Dal wanted to reopen this issue. The Government of India held discussions with the Akali leaders in 1983 but these were inconclusive. Eeventually this issue was one of the elements in the discussions between the Prime Minister of India and the Late Sant Harchand Singh Longowal which resulted in the Accord on 24th July, 1985.

The original intention was to establish the Tribunal under the Inter-State Water Disputes Act, 1956. However, for the establishment of a Tribunal under the Inter-State Water Disputes Act, 1956, a reference from a State Government was required, which was not received from any of the States concerned. The Central Government could not, therefore, establish a Tribunal under this Act. As the Government of India were committed to implementing the Accord, it was decided to establish the Tribunal without reference to the 1956 Act. As the Parliament was not in Session, and as the intention was to give effect to all the terms of the Punjab Accord from 26th January, 1986, it became necessary to take immediate action. Accordingly, the Ravi and Beas Waters Tribunal Ordinance was promulgated on 24-1-1986. Under the said Ordinance the central Government, on 25-1-1986, constituted the Ravi and Beas Waters Tribunal, presided over by Justice V. Balakrishna Eradi, a Judge of the Supreme Court. The Central Government also on the same day, referred the matters specified in paragraph 9 of the Punjab Accord to the said Tribunal. The Tribunal was asked to give its decision in six months. A Bill was also introduced in the Lok Sabha on 25th February, 1986, to replace the Ordinance.

In the meanwhile, it was felt that the object could be achieved by the constitution of a Tribunal under the provisions of the Inter-State Water Disputes Act, 1956, through a suitable amendment. This may serve to meet any possible objection that may be raised that this matter had been taken up for separate treatment by the constitution of a Tribunal under a separate enactment. It was, therefore, decided to amend the Inter-State Water Dispute, Act 1956 to provide for the constitution of a Tribunal under that Act for the adjustication of this matter and to repeal the Ravi and Beas Water Tribunal Ordinance, 1986, and to withdraw the Bill, which had been introduced to replace it. That Bill was accordingly withdrawn from the Lok Sabha on 18th March, 1986 and the Inter-State Water Dispute (Amendment) Bill, 1986 was introduced in this House on 19th March, 1986.

Sir, this Bill is a small Bill in the sense that it consists of only three Clauses. The most important clause in this is clause 2 which seeks to introduce a new Section i.e. Section 14 in the Inter-State Water Disputes Act, 1956 at the end of Section 13 of that Act. The said section 14 reads as follows and I quote :

> "14 (1) Notwithstanding anything contained in this foregoing provisions of this Act, the Central Government may by notification in the Official Gazette, constitute a Tribunal under this Act, to be known as the Ravi and Beas Waters Tribunal for the verification and adjudication of the matters referred to in paragraph 9.1 and 9.2 respectively, of the Punjab Settlement.
>
> (2) When a Tribunal has been constituted under sub-section (1), the provisions of sub-section (2) and (3) of section 4, sub-section (2), (3) and (4) of section 5 and sections 5-A to 13 (bothinclusive) of this Act relating to the constitution jurisdiction, powers, authority and bar of jurisdiction shall, so far as may be, but subject to sub-section (3) here of, apply to the constitution, jurisdiction, powers, authority and bar of jurisdiction in relation to the Tribunal constituted under sub-section (1).
>
> (3) When a Tribunal has been constitued under sub-section (1), the Central Government alone was *suo motu* at the request of the concerned State Government refer the matters

[Shri B. Saakaradard]

specified in paragraph 9.1 and 9.2 of the Punjab Settlement to such Tribunal."

It can be seen that with this provision of law, Government of India, wants to implement the provisions enumerated in paras 9.1 and 9.2 of the Punjab Memorandum of Settlement as it can only be done by appointing a Tribunal as envisaged. Section 14, sub-clause (2) of the Amending Provision envisages that when a Tribunal has been constituted under sub-section (1) , the provisions of sub-sections (2) and (3) of section 4, sub-sections (2), (3) and (4) of section 5 and sections 5-A to 13 (both inclusive) of this Act relating to the constitution , jurisdiction, powers, authority and bar of jurisdiction shall, so far as may be but subject to sub-section (3) hereof, apply to the constitution , jurisdiction , powers, authority and bar of jurisdiction in relation to the said Tribunal.

Sub-clause (3) of Clause 14 of the amending Bill pertains to the reference of the matters specified in paragraphs 9.1 and 9.2 of the Punjab Settlement to such a Tribunal *suo motu* by Central Government alone or at the request of the concerned State Government. Clause (3) of the Bill merely provides for the repeal of the Ravi and Beas Waters Tribunal Ordinance, 1986.

Sir, the House may kindly appreciate that the Central Government is taking all necessary steps to implement the provisions of para 9 of the Punjab Memorandum of Settlement of 24th July, 1985. I do not think that there will be any dissenting voice. But I could hear the objections raised by Shri Jaswant Singh. He has said as to why he is opposing this Bill. Instead of replying to all the points that he has raised at the time of consideration, I can only say that he has only raised the objections of a procedural aspect and not on the substantive aspect as to how this is going to affect the interest of any particular State. I can only assure him, as I had already written to him, that injustice to any State is not the intention of the Government of India.

The intention of the Government of India is to implement the provisions contained in paragraph 9 of the Punjab Accord. As I have stated, Paragraph 9.1 does mention the States. But 9.2 does mention the problem, the real problem that is Sir, before the Tribunal regarding ....

SHRI JASWANT SINGH : Mr. Minister would you please yield for a minute? The right to reply is not that of the Minister, it is mine. (*Interruptions*).

SHRI B. SHANKARANAND : I am replying to your objection. You have raised certain objections. You have said, if this can be said, you have no objection. This is what you have said.

SHRI JASWANT SINGH : Yes.

SHRI B. SHANKARANAND: And you have asked this suits whom ? For whose interests this is being brought? Need I say to the hon. Member and to the House that is it nation's interests that has compelled the Government of India to come before this House to establish a tribunal? Thanks.

The questions were proposed.

THE VICE-CHAIRMAN (SHRI R. RAMAKRISHNAN) : Now, before I call on the hon.Law Minister, I would like to tell Mr. Indradeep Sinha for the sake of record that he along with four other members of his party have given notice of their intention to move the Resolution that this House disapproves of the Ordinance promulgated by the President on the 24th January, 1986, to set up the Ravi and Beas waters Tribunal and to verify and adjudicate the claims of Punjab Haryana and Rajasthan. It is also signed by S/Shri Gurudas Das Gupta, Suraj Prasad and Chaturanan Mishra of your party. If, however, you have now changed your mind, that is a different thing but I should put the record straight.

SHRI INDRADEEP SINHA (Bihar) : Sir, I wish to clarify that I have not signed; I do not know.

THE VICE-CHAIRMAN (SHRI R. RAMAKRISHNAN) : Your signature is here on the record. If you den. it, it is a different matter.

The Secretariat might look into it. (*Interruptions*).

SHRI S.W. DHABE (Maharashtra) Sir, this is a very serious matter.

SHRI VISHVAJIT PRITHVIJIT SINGH (Maharashtra) : Sir, if he has not signed how is his signature there?

THE VICE CHAIRMAN (SHRI R. RAMAKRISHNAN) : I can only go by the record. If he denies hi signature, that is a different matter.

SHRI VISHVAJIT PRITHVIJIT SINGH : It is not a question of denying his signature. It is a question of false document which is lying. in front of you. It is a very serious matter. I would suggest you please look into it. (*Interruptions*)

THE VICE-CHAIRMAN(SHRI R. RAMAKRISHNAN): Yes, if necessary, it can be sent to the forensic lab. Now I should put the record straight, the Secretariat or Mr Sinha should not be put into any.. (*Interruptions*)

SHRI S.W DHABE : Have you shown him the original ?

THE VICE-CHAIRMAN (SHR R.RAMAKRISHNAN):Four Members of his party have signed.

SHRI S.W.DHABE : Let us see whether he has signed. If he has signed he has signed. If he has not signed, he has not signed. (*Interruptions*).

THE VICE-CHAIRMAN (SHRI R. RAMAKRISHNAN): Now, meanwhile I will ask the hon. Law Minister to make his points.

SHRI DARBARA SINGH (Punjab): Sir, I would like to bring to your notice that let there be the discussion first and the Law Minister can reply later.

THE VICE-CHAIRMAN (SHRI R. RAMAKRISHNAN): Since he has expressed a desire to intervene at this stage I have permitted him.

THE MINISTER OF LAW AND JUSTICE (SHRI ASOKE KUMAR SEN) : Sir, the main reply will be that of the Minister in-charge. I shall only deal with the legal point.

THE VICE-CHAIRMAN (SHRI R. RAMAKRISHNAN) : Would you like to do it now? How many minutes will you take.

SHRI ASOKE KUMAR SEN: Yes Sir, I will take about ten mintues.

THE VICE-CHAIRMAN (SHRI R. RAMAKRISHNAN) : All right, (*Interruptions*).

RE. NEW IDENTITY CARDS ISSUED TO M.P's

SHRI P. N.SUKUL(Uttar Pradesh) Sir,..

MISS SAROJ KHAPARDE (Maharasthra) : Sir, on a point of order..

SHRIMATI PRATIBHA SINGH (Bihar) : Sir, the identity cards of all the M.Ps. have been changed. Now this card has got this symbol plus it has a peculiar and particular shape and size. Now it has been changed like this. Now, that can be. forged. Now, if the signature in the House can be forged, the card can also be forged very easily And the Shobraj case has shown that we can stoop to anything I think with me even the Opposition Members have joined. this earlier card of an M.P. this cannot be copied. But this new card can be copied and I can bring you..

THE VICE CHAIRMAN (SHRI R. RAMAKRISHNAN) : First and fore most this point of order can not come under this Bill.